

[EXECUTIVE ORDER NO. 8, September 09, 2010]

**REORGANIZING AND RENAMING THE BUILD-OPERATE AND
TRANSFER (BOT) CENTER TO THE PUBLIC-PRIVATE
PARTNERSHIP (PPP) CENTER OF THE PHILIPPINES AND
TRANSFERRING ITS ATTACHMENT FROM THE DEPARTMENT OF
TRADE AND INDUSTRY TO THE NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY AND FOR OTHER PURPOSES**

WHEREAS, Section 20, Article II of the 1987 Constitution provides that the State recognizes the indispensable role of the private sector as the main engine for national development;

WHEREAS, Section 1 of Republic Act. 7718 or the Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and for Other Purposes, otherwise known as the Build to Operate Transfer (BOT) Law, as amended, recognizes the indispensable role of the private sector as the main engine for national growth and development and provides the most appropriate incentives to mobilize private resources for the purpose of financing the construction, operation and maintenance of infrastructure and development projects normally financed and undertaken by the Government;

WHEREAS, the Medium-Term Development Plan (MTPDP) specifies that the government will increasingly mobilize the private sector to accelerate the financing, constructing, rehabilitation, and operation of major infrastructure facilities, obtain the required infrastructure through competitive markets with minimum fiscal burden and government contingent liabilities while protecting the public interest, ensure that users will have adequate, safe, efficient, reliable, and affordable infrastructure services, and provide private proponents who will be generally selected through competition under fair and transparent terms, a level playing field with reasonable returns and sharing of risks;

WHEREAS, the Government of the Philippines is committed to good governance, transparency, competitiveness, impartiality, and accountability in all government transactions which include the implementation of infrastructure programs and projects;

WHEREAS, there is a need to fast-track the implementation of Public-Private Partnership (PPP) programs and projects, as a cornerstone strategy of the national development plan to accelerate the infrastructure development of the country and sustain economic growth;

WHEREAS, the revised Implementing Rules and Regulations (IRR) of the BOT Law mandates the BOT Center to coordinate and monitor the projects implemented under the BOT Law, to guide the agencies/LGUs in the preparation and development of BOT projects, and to report to the President and to Congress on the progress of all projects implemented under the BOT Law;

WHEREAS, Section 1 of the Executive Order No. 144, Series of 2002, converts the Coordinating Council for Private Sector Participation (CCPSP) to Build-Operate-Transfer Center (BOT Center), and the CCPSP-Technical Secretariat to the Project Monitoring Office, and transfers its attachment from the Office of the President (OP) to the Department of Trade and Industry (DTI);

WHEREAS, to efficiently and effectively implement the MTPDP, there is a need to facilitate the coordination and monitoring of the PPP programs and projects by converging these functions to NEDA which is mandated as the central planning agency for social and economic development and as oversight agency in the programming, implementation, monitoring and evaluation of the government's programs and projects;

WHEREAS, the Economic Managers, during their 12 July 2010 meeting, agreed to revitalize the BOT Center by renaming it as PPP Center and attaching it to NEDA with primary functions of coordination and monitoring all PPP/BOT/PSP Programs and Projects, and by transferring its resources to NEDA;

WHEREAS, under Section 1, Chapter 1, Title 1, Book III of Executive Order No. 292 or the Administrative Code of 1987, the President shall have control of all executive departments, bureaus and offices;

WHEREAS, Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 provides continuing authority to the President to recognize the administrative structure of the Office of the President;

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *THE PP CENTER*— The Build-Transfer (BOT) Center is hereby renamed as the Public-Private-Partnership (PPP) Center and transferred as an attached agency from the Department of Trade and Industry (DTI) to the National Economic and Development Authority (NEDA)

SECTION 2. *Powers and Functions of the PPP center* — The PPP Center shall cover all the PPP programs and projects including all the variants or Arrangements under the BOT Law and Joint-Venture agreements, among others, and shall have the following powers and functions:

- a) Conduct project facilitation and assistance to the national implementing agencies, including government corporations, and Local Government Units (LGUs) in addressing impediments or bottlenecks in the implementation of PPP programs and projects;
- b) Provide advisory services, technical assistance, trainings and capacity development to agencies/LGUs in PPP project preparation and development;
- c) Recommend plans, policies and implementation guidelines related to PPP in consultation with appropriate oversight committees, implementing agencies, LGUs and the private sectors;
- d) Manage and administer a revolving fund to be known as the Project Development and Monitoring Facility for the preparation of business case,